

UNITED STATES DISTRICT COURT

for the

Southern District of New York

DANIEL RIVERA,)
)
)
) Case No.: 16-CV-7552 (KBF)
)
)
)
)

v.)
 HOME DEPOT U.S.A., INC.)

BILL OF COSTS

Judgment having been entered in the above entitled action on 03/04/2018 Date against Bryan's Home Impvt. Corp., the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$
Fees for service of summons and subpoena
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	3,084.09
Fees and disbursements for printing	1,108.44
Fees for witnesses (<i>itemize on page two</i>)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case	120.00
Docket fees under 28 U.S.C. 1923
Costs as shown on Mandate of Court of Appeals
Compensation of court-appointed experts
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828
Other costs (<i>please itemize</i>)	6,972.07
<i>Transportation, mediation, translation, medical records, experts, YACER</i>	TOTAL \$ 11,284.60

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: Arturo M. Boutin

Name of Attorney: Arturo M. Boutin

For: Home Depot U.S.A., Inc. Name of Claiming Party Date: 03/18/2018

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

Clerk of Court

Deputy Clerk

Date

UNITED STATES DISTRICT COURT

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

DANIEL RIVERA,

Plaintiff,

: Index No.: 16-CV-7552 (KBF)

-against-

HOME DEPOT U.S.A., INC.,

Defendant.

:
: AFFIDAVIT IN SUPPORT
: OF BILL OF COSTS

X

HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ARTURO M. BOUTIN, being duly sworn, deposes and says:

1. I am an attorney admitted to practice law before this Court and am a member with the firm of D'Amato & Lynch, LLP, attorneys' for Defendant/Third-Party Plaintiff Home Depot U.S.A., Inc. ("Home Depot"). I am fully familiar with the matters set forth herein based upon my own knowledge or my review of D'Amato & Lynch's file relating to this matter, and I make this Affidavit attesting that such items in the Bill of Costs are correct and have been necessarily incurred in the case and that the services for which fees have been charged were

actually and necessarily performed in support of Home Depot's motion for summary judgment against defendant herein.

2. Pursuant to a Master Service Provider Agreement, Home Depot is contractually entitled to be reimbursed for the attorneys' fees and costs it incurred as a result of its efforts to defend and prosecute its rights in the above captioned-matter.

3. The attached invoices, with confidential information being reacted, represent all reasonably necessary services rendered to Home Depot to defend and prosecute its rights in the above-captioned matter, including the drafting and answering of pleadings, conducting discovery, duplicating and copying costs, travel expenses, obtaining necessary and material records, attending depositions and Court conferences, mediations costs and trial costs and attendance.

Date: New York, New York
May 18, 2018



ARTURO M. BOUTIN